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In the Matter of )  
 )  
1987 Cable Royalty )  
Distribution Proceeding )

CRT Docket No. 89-2-87CD

### ORDER

On November 22, 1989, The Christian Broadcasting Network, Inc., the Old Time Gospel Hour and The Inspirational Network (the Settled Devotional Claimants or SDC) lodged ten objections to the rebuttal case of Christian Television Corporation (CTC). After considering CTC's response to SDC's objections, filed November 28, 1989, the Tribunal rules as follows:

Objection 1 - Overruled. CTC has provided in its answer the required declaration.

Objection 2 - Overruled, provided that CTC amends its case, either in writing or orally on the witness stand, that Mr. Kennedy is the sponsor for the exhibits in question.

Objection 3 - Sustained. The section beginning with the heading "Nielsen Report on Devotional Programming" on page 5 and continuing to the next heading in the middle of page 6, including CTC Rebuttal Exhibit 6, is struck on the ground that comparison between years is irrelevant.

Objection 4 - Overruled. While the Tribunal agrees that the testimony to which SDC objects is not proper rebuttal, the Tribunal notes that it is interested in completing the record which was left uncertain by the cross-examination which took place during the direct case hearing, and therefore the Tribunal is expanding the scope of the testimony, and will allow it in as surrebuttal.

Objection 5 - Overruled in part; sustained in part. The Tribunal agrees with CTC that fee generation was addressed by SDC in the direct case and therefore will allow into the record that portion of CTC's rebuttal which addresses fee generation, namely, the passage quoting the Tribunal beginning at the bottom of page 7 and carrying over to the top of page 8. However, the Tribunal will strike the rest of the testimony which was objected to, namely, all of the testimony on page 8 after the quote of the Tribunal and continuing on to the first two lines of page 9 on

the ground that it is in the nature of direct testimony. Since this testimony was already introduced in the direct case, it can be cited in the proposed findings without having to be repeated here.

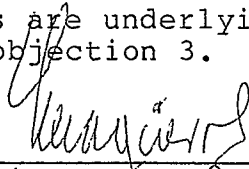
Objection 6 - Sustained, same as objection 3.

Objection 7 - Overruled, same as objection 4.

Objection 8 - Sustained. CTC is correct that the Tribunal asked for the information contained in CTC Rebuttal Exhibit 9. However, it is not properly rebuttal testimony. It was asked for and intended to be a supplemental exhibit to CTC's direct case. Accordingly, the Tribunal strikes CTC Rebuttal Exhibit 9, and asks that CTC resubmit the exhibit as CTC Supplemental Direct Exhibit 1.

Objection 9 - Overruled. Exhibits are underlying documents for the surrebuttal testimony allowed by the Tribunal in objection 4.

Objection 10 - Sustained. Exhibits are underlying documents for the testimony which was struck in objection 3.



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Mario F. Aguero  
Acting Chairman

Date: November 29, 1989